

	Administrative Regulation Disability Accommodations	Policy #	03-07.02
		Effective Date:	October 31, 2017
		Revision Date:	September 7, 2021
		Owner:	Human Resources

Purpose:

This policy outlines the disabilities rights and obligations of employees and the City of Springfield.

Scope:

The policy and procedure applies to all qualified applicants and employees with physical or mental conditions that substantially limits one or more life activities or have a record of such a substantially limiting condition.

Policy:

The City of Springfield is committed to complying fully with the Americans with Disabilities Act (ADA), the Americans with Disabilities Act Amendments Act (ADAAA), Section 503 of the Rehabilitation Act of 1973, and applicable state and federal laws. The City will make reasonable efforts to accommodate a qualified applicant or employee with a known disability unless such accommodation creates an undue hardship on the operations of the City.

The ADA is a complex law and not every detail will be included in this regulation, but the City will administer this policy in accordance with all legal requirements. Employees are encouraged to seek specific information about the ADA from Human Resources as soon as the need arises.

Procedure:

1. Requirement.

- 1.1. The ADA requires employers and employees to engage in a timely, good-faith process to determine if there are reasonable accommodations available to allow the employee to perform the essential functions of the position fully and safely.
- 1.2. If a disability cannot be accommodated, reassignment to a vacant position or medical separation may be considered.

2. Notification.

- 2.1. The ADA process begins when the City becomes aware that an employee or qualified applicant may need an adjustment or change concerning some aspect of the application process, the job, or a benefit of employment for a reason related to a disability.

- 2.2. Not all disabilities limit the employee's ability to perform the essential functions of their job. Each accommodation request will be handled on a case-by-case basis.
- 2.3. There are typically three ways the City may become aware that an accommodation may be needed.
 - 2.3.1. Applicant or employee communicates a need, regardless of the specific words used, for a change in process or job related to a medical condition. An initial request for reasonable accommodation may be made at any time, orally or in writing.
 - 2.3.2. A supervisor holds a belief that an employee may have a disability that impacts his or her ability to fully or safely perform assigned duties. This belief typically manifests due to direct or indirect knowledge of changes to employee work performance, disposition, attendance and/or availability.
 - 2.3.3. There is knowledge of work restrictions/functional limitations impacting work such as a medical note listing work restrictions or a visible disability such as use of a wheelchair or mobility device.
- 2.4. It is best for employees to ask for accommodations before any work related issues or concerns arise. While an employee does not have to disclose a disability until they feel they need an accommodation, it is highly recommended that employees not wait until their performance appraisal meeting or during a disciplinary proceeding as the City does not have to rescind disciplinary actions administered prior to a request for an accommodation.

3. Interactive Process.

- 3.1. Once the City is notified of a request for accommodation, Human Resources will respond and initiate the interactive process as quickly as possible.
- 3.2. Qualified employee will be provided with an Accommodation Request form, if not initially submitted, to clarify the accommodation request.
- 3.3. Human Resources and the requesting employee will interact to gather information relating to the medical restrictions and potential accommodation solutions which will allow the employee to perform the essential job functions.
 - 3.3.1. The requesting employee may be required to provide medical documentation outlining and clarifying restrictions based on essential job functions.
 - 3.3.2. Human Resources and the requesting employee will gather information for potential accommodations which will support the employee to perform the essential functions of the job fully and safely.

3.3.3. The requesting employee may include a family member, union representative or other support person during this process.

3.4. If the requested accommodation is low cost or a common accommodation for a given medical condition (e.g. ergonomic keyboard for carpal tunnel syndrome), the interactive process may be very quick and with most interaction happening over the phone or email.

3.5. At times, the City may be able to address an employee's disability or chronic health condition related needs outside the reasonable accommodation process. For example, the City may perform an ergonomic assessment which may determine a recommendation for special equipment to address or prevent various injuries and conditions. Requests under the ADA as well as requests for an ergonomic assessment should be directed to Human Resources.

4. Accommodation Coordination.

4.1. Potential accommodations will be reviewed by principal parties for reasonableness and undue hardship.

4.2. Principal parties may include supervisor, manager, department director, human resource representatives, subject authorities, union representatives or others as required by the situation.

4.3. Accommodations may be tested on a trial basis for a limited time to be monitored for effectiveness by the direct supervisor.

4.4. Agreement on accommodations will result in a signed document outlining the restrictions and accommodations that allow for employee to fully and safely perform the essential duties of their position.

4.5. The City reserves the right to request an independent medical evaluation or Fit for Duty Examination before granting or extending a request for reasonable accommodation.

5. Review.

5.1. Reasonable accommodations may be reviewed as often as needed. This process is interactive and either the requesting employee or employer may revisit the effectiveness of accommodations.

6. Leave.

6.1. Leave may be a reasonable accommodation in some cases. Leave may be appropriate in cases where protected leave has been exhausted and the medical provider has indicated a reasonable amount of additional time will allow for full recovery from injury or return to work. Leave should be shown to support the requesting employee's return to work; the

employee should be showing signs of improvement and expect to return fully to their position (with or without accommodations).

6.2. Employees may be required to use all available leave banks before qualifying for unpaid leave.

6.3. Unknown durations of leave are not a reasonable accommodation under the ADA.

7. Confidentiality.

7.1. The City will ensure confidentiality of all medical information obtained in connection with a request for reasonable accommodation, as well as the confidentiality of all associated communications during the interactive process as required by federal law. All documentation will be kept separate from an individual's personnel file.

7.2. Non-medical information obtained during this process is shared on an as-needed basis with those involved in providing a reasonable accommodation.

8. Appeals Process.

8.1. An individual dissatisfied with the resolution of a reasonable accommodation request can ask the City Manager to reconsider the decision. An individual must request reconsideration within 10 days of receiving the denial per the City's grievance policy.

Definitions

1. "*Qualified Employee*" is an individual who legitimately meets the skills, experience, education, or other requirements of an employment position that they hold or seek, and who can perform the "essential functions" of the position with or without reasonable accommodation.
2. "*Disability*" is a physical and/or mental impairment that substantially limits one or more major life activity of the individual, a record of such an impairment, or being regarded as having such an impairment.
3. "*Substantially limiting*" In accordance with the ADAAA final regulations, the determination of whether an impairment substantially limits a major life activity requires an individualized assessment.
4. "*Undue hardship*" is an action requiring significant difficulty or expense by the employer, as well as unduly extensive, substantial, or disruptive, or those that would fundamentally alter the nature or operation of the business. In determining whether an accommodation would impose an undue hardship on a covered entity, factors to be considered include:

4.1. The nature and cost of the accommodation.

- 4.2. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, the effect on expenses and resources, or the impact of such accommodation on the operation of the facility.
- 4.3. The overall financial resources of the employer and the size, number, type and location of facilities.
- 4.4. The type of operations of the company, including the composition, structure and functions of the workforce, administrative or fiscal relationship of the particular facility involved in making the accommodation to the employer.
5. *“Reasonable accommodation”* includes changes to the workplace or the way job duties are customarily performed that provides an equal employment opportunity to an individual with a disability. Common types of accommodations include:
 - 5.1. Acquisition or modification of equipment;
 - 5.2. Changes in the physical layout of a work environment to eliminate or reduce barriers;
 - 5.3. Elimination of non-essential job duties;
 - 5.4. Modifications of an individual’s work schedule while continuing to meet business requirements; and
 - 5.5. Modifications to the building where an individual performs work.
6. *“Major life activities”* includes caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating and working.
7. *“Essential duties/functions of the job”* refers to those job activities that are determined by the employer to be essential or core to performing the job; these functions cannot be modified.
8. *“Direct threat”* means a significant risk to the health, safety or well-being of individuals with disabilities or others when this risk cannot be eliminated by reasonable accommodation.

Resources:

Forms:

1. [ADA Request for Accommodation Form](#)
2. [Authorization to Release Information Form](#)

Administrative Regulations:

1. [Family Medical Leave Administrative Regulation](#)

Websites:

1. [Americans with Disabilities Act \(ADA\), 1990, and ADA Amendment Act, 2008](#)
2. [Rehabilitation Act of 1973, Section 503](#)
3. [Equal Employment Opportunity Commission \(EEOC\)](#)

CREATION (Original):

This administrative regulation is in effect as of the date of my signature. I authorize the Human Resource Director to modify the history and resources sections and header, footer, and numbering without my reauthorization. The administrative regulation remains in effect should these revisions occur.			
Approved By:	Gino Grimaldi, City Manager	Dates:	October 31, 2017
Author:	Chaim Hertz, Director of Human Resources		
Responsible Party:	Human Resources		
Replaces:	N/A		

PERIODIC REVIEW:

Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	
Reviewer:		Date:	

REVISIONS:

Version #2:	Responsible Party:	Human Resources		
	Revised By:	Chaim Hertz, Director of Human Resources		
	Approved By:	Nancy Newton, City Manager	Date:	8/30/21
	Reason/Summary of Changes:	Retitled from “Americans with Disability Accommodations. Policy language clean up. Removal of sub section 3.6 because it was no longer compliant with ADA requirements. Also removal of the examples within the “Substantially limiting” definition		